

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

ALEXIS ANN MANZ,

*

Plaintiff,

*

vs.

*

CASE NO. 3:16-CV-94 (CDL)

MIDWAY MOTORS, LLC and LIAQUAT

*

A. CHOUDHRY,

*

Defendant.

*

O R D E R

Plaintiff filed a motion to strike Defendant Midway Motors, LLC's Answer and grant default judgment against both Defendants. For the reasons set forth below, the motion (ECF No. 6) is granted in part and denied in part.

Plaintiff filed proofs of service showing that both Defendants were served on July 21, 2016. Proofs of Service, ECF No. 4. Defendant Liaquat Choudhry has not filed an answer. Choudhry is therefore in default. See Fed. R. Civ. P. 55(a). The Clerk shall enter default as to Choudhry.

Defendant Midway Motors, LLC filed an Answer, but it was prepared and submitted by a non-attorney. See Answer, ECF No. 5 (stating that the Answer was filed by Midway's "New Management" and that it would "retain an attorney to file an official answer" if the Court "decides to move forward with this case"). It is well established "that a corporation may appear in the

federal courts only through licensed counsel." *In re Strickland & Davis Int'l, Inc.*, 612 F. App'x 971, 976 (11th Cir. 2015) (per curiam) (quoting *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-02 (1993)). Therefore, Midway Motors, LLC's management may not represent Midway Motors, LLC in this action and must have an attorney. The courts generally advise a corporation of the need for proper representation and afford the corporation an opportunity to obtain counsel before taking an action like striking the answer due to lack of counsel. *Id.* (collecting cases). The Court thus declines to strike Midway Motors, LLC's Answer at this time.

Midway Motors, LLC is advised that it must retain counsel if it wishes to defend this action. Within twenty-one days of the date of this Order, Midway Motors, LLC may file an amended Answer. The amended Answer must be prepared and submitted by an attorney. If Midway Motors, LLC does not timely file an amended Answer prepared and submitted by an attorney, the Court will strike Midway Motors, LLC's Answer and enter a default judgment against Midway Motors, LLC.

IT IS SO ORDERED, this 29th day of September, 2016.

s/Clay D. Land

CLAY D. LAND
CHIEF U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA